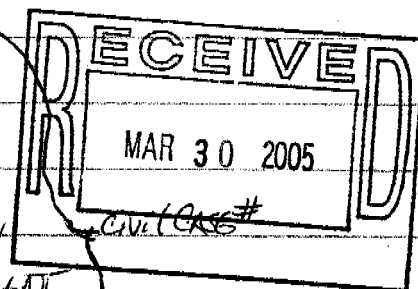


DISTRICT OF MASSACHUSETTS

Gerald A. Meckzo-Contreras

Petitioner pro se,

VS.

U.S. DEPARTMENT OF Homeland Security,
IMMIGRATION AND CUSTOMS ENFORCEMENT -
AGENCIES AND AGENTS THE UNITED STATES

MOTION FOR AN EXPEDITE RULING PURSUANT
TO SUPREME COURT DECISION IN CLARK V. MARTINEZ,
125 S. CT. 716 (2005) AND THIS COURT DECISION IN
CANIZARES V. ASHCROFT, C.A. No. 03-11574-NG

Now comes, Gerald A. Meckzo-Contreras, Petitioner
pro se, and respectfully request this Honorable Court
to issue and expedite a ruling granting Petitioner's
IMMEDIATE RELEASE FROM CUSTODY PURSUANT TO THE UNITED
STATES SUPREME COURT DECISION IN CLARK V. MARTINEZ
SUPREMA, AND THIS COURT DECISION IN CANIZARES V.
ASHCROFT, SUPREMA. IN SUPPORT OF SAID MOTION, THE
PETITIONER STATES AS FOLLOWS:

1) Like both, MARTINEZ and CANIZARES, the Petitioner
is a "Mariel Boatlift" Cuban National Refugee who
CAME INTO THE UNITED STATES ON MAY 27, 1980.

2) Similar, because of his drug convictions, Petitioner

was found inadmissible in Removal Proceedings and was ordered removed to Cuba by the Immigration Court in 2002. The Order became final on June 10, 2002.

3.) Like MARTINEZ and CANIZARES, AFTER COMPLETION OF HIS STATE PRISON SENTENCE ON JULY 19, 2004, "ICE," RESPONDENT TOOK PETITIONER INTO CUSTODY PENDING HIS REMOVAL TO CUBA.

4.) BECAUSE THE 90-day REMOVAL PERIOD AND THE SIX MONTHS PRESUMPTIVELY REASONABLE DETENTION PERIOD HAVE LONG PASSED, AS PETITIONER HAS BEEN HELD FOR OVER 8 MONTHS TODAY, AND BECAUSE OF THE GOVERNMENT'S OWN ADMISSION IN MARTINEZ THAT IT NO LONGER IS INVOLVED WITH REPATRIATION NEGOTIATIONS WITH CUBA, REMOVAL IS NOT REASONABLY FORESEEABLE LIKE SO FOUND BY BOTH, THE MARTINEZ COURT, AND THIS COURT IN CANIZARES.

WHEREFORE, FOR THE REASONS STATED ABOVE HEREIN, THE PETITIONER PRAYS AND RESPECTFULLY REQUEST THAT THIS HONORABLE COURT;

1-) ISSUE AN ORDER CONSISTENT WITH ITS ORDER ISSUED IN CANIZARES V. ASHCROFT, C.A. No. 03-1574-NG, AND ORDER THE IMMEDIATE RELEASE OF PETITIONER SUBJECT TO REASONABLE CONDITIONS OF RELEASE.

2.) GRANT any OTHER RELIEF AS THIS COURT deems
JUST and proper.

Respectfully Submitted
G. Gmze ly
Gerald A. Morales-Gonzalez

"CERTIFICATION"

I hereby certify that a copy of this Motion was
today mail to: Frank Crowley, Special Asst. U.S. Attorney,
DEPARTMENT OF Homeland Security, P.O. Box 8728, JFK STATION,
BOSTON, MA, 02114.

Respectfully,
G. Gmze ly
Gerald A. Morales-Gonzalez

DATE: 3-28-08

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

ELOY CANIZARES,)	
Petitioner,)	
)	
v.)	C.A. No. 03-11574-NG
)	
JOHN ASHCROFT, Attorney General)	
for the United States, et al.,)	
Respondents.)	
<hr/>		
GERTNER, D.J.:		

ORDER FOR IMMEDIATE RELEASE OF DETAINEE

Pursuant to the United States Supreme Court decision in Clark v. Martinez, __S.Ct.__, 2005 WL 50099 (2005), petitioner's motion to lift the stay and for immediate conditional release [document # 16] is hereby **GRANTED**. Petitioner has been in INS detention at the Bristol County Sheriff's Office in North Dartmouth, Massachusetts, since February 7, 2003. Because the 90-day removal period and the six-month presumptively reasonable detention period have long passed, and because removal is not reasonably foreseeable, respondents are **ORDERED TO RELEASE ELOY CANIZARES** immediately subject to reasonable conditions of release.

SO ORDERED.

Dated: January 21, 2005

s/ NANCY GERTNER U.S.D.J.

UNITED STATES DISTRICT COURT
District of Massachusetts

Geraldo A. Medero - Gonzalez
PETITIONER

Vs.

U.S. DEPARTMENT OF HOMELAND SECURITY,
IMMIGRATION AND CUSTOMS ENFORCEMENT
DEBURY AND LOGGERS.

"Motion to Proceed in Forma Pauperis"

PETITIONER, GERALDO A. MEDERO - GONZALEZ, hereby Respectfully
Moves this Court to WAIVE any and all Filing Fee in
the above captioned matter, and allow PETITIONER TO
Proceed in Forma Pauperis. IN Support of this Motion,
PETITIONER Alleges as Follows:

- 1) PETITIONER declares that he, GERALDO A. MEDERO
GONZALEZ, is the PETITIONER in the above-captioned
matter and is at the present time, unable to pay
the cost of these proceedings and he is entitled
to the relief sought in the Complaint Habeas
Petition, as he is a Mariel Cuban Native held
in detention for over 8 months.
- 2) PETITIONER is currently incarcerated at the
Plymouth County Correctional Facility in Plymouth
Massachusetts on unlawful immigration detention.

3.) PETITIONER IS NOT EMPLOYED AT THE INSTITUTION, NOR CAN HE BE EMPLOYED BECAUSE HE IS AN IMMIGRATION DETAINEE.

4.) PETITIONER HAS BEEN INCARCERATED FOR OVER 8 YEARS AND 7 MONTHS TOTAL. PETITIONER WAS TRANSFERRED TO THE PLYMOUTH CORRECTIONAL FACILITY ON DECEMBER 2, 2004 FROM CONCORD, NEW HAMPSHIRE STATE PRISON WHERE HE SERVED AND COMPLETED HIS STATE PRISON SENTENCE.

HOWEVER, PETITIONER CANNOT OBTAIN HIS LEDGER SHEET FROM SAID STATE PRISON SHOWING AT LEAST HIS PAST 6 MONTHS THERE.

5.) PETITIONER WAS ALLOWED TO PROCEED IN FORMA PAUPERIS IN THE NEW HAMPSHIRE FEDERAL DISTRICT COURT BASED ON HIS FINANCIAL AFFIDAVIT FILED IN HIS WRIT OF HABEAS CORPUS FILED ON OR ABOUT OCTOBER 13, 2004, DOCKET NUMBER 04-385-B, AND HIS INSTITUTIONAL LEDGER SHEET.

6.) INCLUDED HEREIN PLEASE FIND A FINANCIAL AFFIDAVIT.

7.) THE PETITIONER HAVE NO MEANS FINANCIALLY TO PAY THE REQUIRED FEE OF \$250.⁰⁰, AS NOT ONLY IS THE PETITIONER INCARCERATED UNDER INS DETENTION, BUT THE PETITIONER HAS BEEN INCARCERATED

FOR OVER 8 YEARS AND 7 MONTHS, BUT, PETITIONER IS NOT EVEN ALLOWED TO WORK FOR ANY PAY FEE AT THIS FACILITY DUE TO HIS IMMIGRATION DETAINEE STATUS.

WHEREFORE, THE PETITIONER PRAYS THAT THIS HONORABLE COURT GRANT THE FOLLOWING RELIEF:

- 1) GRANT PETITIONER'S MOTION TO PROCEED IN FORMA PAUPERIS;
- 2) GRANT THE PETITIONER'S REQUEST FOR WRIT OF HABEAS CORPUS, OR EXTRAORDINARY WRIT, AND ORDER HIS IMMEDIATE RELEASE FROM HIS UNLAWFUL AND UNCONSTITUTIONAL CONTINUED IMMIGRATION POST-REMOVAL DETENTION OVER 7 MONTHS PURSUANT TO THE UNITED STATES SUPREME COURT ORDER AND DECISION IN CLARK V. MARTINEZ, 125 S. CT. 716, 723 (2005); ZADVYDAS V. DAVIS, 533 U.S. 678, 694 (2001), AND WING V. UNITED STATES, 163 U.S. 228, 238 (1896). AND;
- 3) GRANT ANY OTHER AND FURTHER RELIEF WHICH THIS COURT DEEMS JUST AND PROPER.

Respectfully Submitted
G. Gonzalez

GERALDE A. MEDERO - GONZALEZ # 39051
 P.O. C.F., 26 LONG FORD RD.
 PLYMOUTH, MASSACHUSETTS, 02360

(3)

DATE: 3-28-05

FINANCIAL AFFIDAVIT
In Support of a Motion to Proceed In Forma Pauperis

Case Name: Gerald A. Melero-Gonzalez V. U.S Dept. Homeland Security

Docket Number: _____

EMPLOYMENT

Are you now employed? ___ Yes (No) Self Employed

Name & Address of Employer: NONE

If YES, how much do you earn per month? \$ 0

If NO, give month & year of last employment July 1996

How much did you earn per month? \$2000 - 2500 commission work

If married, is your spouse employed? ___ Yes (No)

If YES, how much does your spouse earn per month? \$ NONE

If a minor under age 21, what is your parents' or guardian's approximate monthly income?
\$ NONE

OTHER INCOME

Have you received in the past 12 months any income from a business, profession, or other form of self-employment, or in the form of rent, payments, interest, dividends, retirement or annuity payments, or other sources? ___ Yes ___ No

If YES, give the amount received and identify sources:

Received

0

Sources:

0

CASH

Have you any cash on hand or money in savings, a prisoner trust fund account or checking account? ___ Yes (No)

If YES, state total amount \$ 0

PROPERTY

Do you own any real estate, stock, bonds, notes, automobiles or other valuable property (excluding ordinary household furnishings and clothing?) Yes No
 If YES, give value and describe it:

Value	Description
<u>0</u>	<u>0</u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>
<u> </u>	<u> </u>

DEPENDENTS

Marital status: Single Total No. of Dependents: 1
 Married
 Widowed
 Separated or Divorced

List persons you actually support & your relationship

While I was at the State Prison I helped in the support
of my son Jerry Joseph Gonzalez

DEBTS & MONTHLY BILLS

List all creditors, including banks, loan companies, charge accounts, etc.

Creditors:	Total Debt:	Monthly Payment:
Apt. or Home: <u>0</u>	\$ <u>0</u>	\$ <u>0</u>
<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
<u>0</u>	\$ <u>0</u>	\$ <u>0</u>
<u>0</u>	\$ <u>0</u>	\$ <u>0</u>

I certify the above to be correct.

G. Gonzalez
 Signature of movant

3-28-05
 Date

WARNING: A false or dishonest answer to a question in this affidavit may be punishable by fine, imprisonment, or both.